

REMARKS / ARGUMENTS

In the above-identified Office Action the Examiner has required a restriction to two groups of claims delineated therein. The Examiner has restricted the claims between Group I, claims 12-18 and Group II, claims 19-20. The Applicant hereby elects Group I, claims 12-18 with traverse.

Applicant believes the restriction requirement is improper insofar as claims of the method and the claims of the device are so interlinked as to require that searching be conducted in identical classes. Accordingly, Applicant believes that the search and examination of the entire application can be made without serious burden. Therefore, pursuant to MPEP section 803, the Examiner should examine the entire application on the merits.

In addition, Applicant does not understand the Examiner's comments that the prior art of the record supports restriction. Regardless of the Examiner's opinion concerning the patentability of the subject application, such is not a rationale for restriction. In addition, Applicant believes that the Examiner's conclusions concerning the cited art to be incorrect, since the method and apparatus of Baker et al. are completely different from the subject invention as set forth below in more detail.

The present invention is based on the surprising finding that a combination of temperature and two pressure steps enables the almost simultaneous release of CO₂ and NH₃ from a waste product. No addition of acids and lyes is necessary. The waste product is in the stripping container (1) for the complete process. Afterwards, the escaping gases are transferred into an aqueous absorption agent in the collection container (2). Both gases (CO₂, NH₃) react there with the aqueous absorption agent (calcium sulfate) and form ammonium salts and lime.

In the present case, the method involves just a vessel in which the waste product is heated and a vacuum is applied.

The apparatus and method of Baker et al. is completely different from the present invention since it uses a common stripper and semipermeable membranes (See Baker et al., column 5, line 31 et seq.). Inorganic compounds, which are present as dissolved gases in deteriorated water are separated by conventional stripping means (see Baker et al., column 4, line 33 et seq. and column 5, line 43 to column 6) and afterwards removed by the semipermeable membranes. The gases of interest comprise H_2S , HCN , BR_2 , SO_2 , hydrazine, and O_2 besides CO_2 and NH_3 . In the end, the gases are set free to the atmosphere or transformed into nontoxic entities, for example, by burning.

The purposes of the respective patents are completely different, since the present invention is geared to the production of nitrogen fertilizer while Baker et al. is focused on the production of drinking water.

Furthermore, it is not possible to use the instantly claimed method to perform the process of Baker et al. Also, it is impossible to perform the instantly claimed process with the method and apparatus of Baker et al.

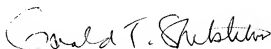
Applicant hereby requests reconsideration and reexamination thereof.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

Application No. 10/579,576
Amdt. dated 9 April 2009
Reply to Office Action of 16 March 2009

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gerald T. Shekleton".

Dated: 9 April 2009

Gerald T Shekleton
Reg. No. 27,466
Husch Blackwell Sanders Welsh & Katz
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
Phone: (312) 655-1511
Fax: (312) 655-1501